

**REMARKS**

Claims 5 and 8 are pending in this application. By this Amendment, claims 5 and 8 are amended and claims 1, 3, and 4 are canceled. Support for the amendments to the claims may be found, for example, in the claims as originally filed. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

**I. Rejections Under 35 U.S.C. §103**

**A. Sato and Lewin**

The Office Action rejects claims 1, 3, and 4 under 35 U.S.C. §103(a) as having been obvious over U.S. Patent Application Publication No. 2003/0207979 to Sato et al. ("Sato") in view of U.S. Patent Application Publication No. 2002/0013393 to Lewin ("Lewin").

By this Amendment, claims 1, 3, and 4 are canceled, rendering the rejection moot. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**B. Sato, Lewin, and Nakamura**

The Office Action rejects claims 5 and 8 under 35 U.S.C. §103(a) as having been obvious over Sato in view of Lewin and U.S. Patent Application Publication No. 2003/0207106 to Nakamura et al. ("Nakamura"). Applicants respectfully traverse the rejection.

Claims 5 and 8 are each directed to a wiring harness comprising a wire bundle that comprises non-halogenous insulated wires. The non-halogenous insulated wires each comprise a conductor covered with a crosslinked flame-retardant resin composition. The crosslinked flame-retardant resin composition comprises zinc sulfide, among other things. The claimed wiring harnesses comprising the recited crosslinked flame-retardant resin composition produce unexpected results, demonstrating that the claimed wiring harnesses would not have been obvious (whether or not the Office Action has met its burden of establishing a *prima facie* case of obviousness).

The Office Action asserts that "Applicant's arguments are not found to be persuasive given that while Applicant has pointed to the Specification, the Applicant did not point to any specific data or embodiments as evidence of such results." See page 6. However, the experimental evidence set forth in the specification establishes that the claimed wiring harnesses comprising the recited crosslinked flame-retardant resin composition produce unexpected results.

Specifically, non-halogenous insulated wires that use the recited crosslinked flame-retardant resin composition comprising zinc sulfide are compatible (or have much better compatibility) with vinyl chloride insulated wires, which improved compatibility is completely unexpected over the teachings of Sato and Lewin. The specification describes test conditions A and B for measuring compatibility. See page 30, line 10 to page 32, line 8. Test conditions A and B both require (1) preparing mixed wire bundles of non-halogenous insulated wires containing the exemplified compositions and of polyvinyl chloride (PVC) insulated wires, (2) covering the mixed wire bundles with a PVC wiring-harness protective material and winding a PVC tape over the protective material to prepare a wiring harness, (3) aging the wiring harness at 130°C for 480 hours, (4) removing the non-halogenous insulated wires and coiling it to its diameter, and (5) inspecting the non-halogenous insulated wires for

cracks. Id. If any of the non-halogenous insulated wires have cracks, then that exemplified composition was deemed to have failed the test condition (A or B). Id.

Example 6 is a flame-retardant resin composition that is comparable to the flame-retardant resin compositions of Comparative Examples 15-17, except that Example 6 comprises zinc sulfide and Comparative Examples 15-17 comprise other zinc compounds. See specification at page 33, Table 1, and page 36, Table 4. Specifically, Comparative Example 15 comprises zinc oxide, Comparative Example 16 comprises zinc acrylate, and Comparative Example 17 comprises zinc borate. See specification at page 36, Table 4. Example 6 passed both compatibility test conditions A and B whereas Comparative Examples 15-17 failed both test conditions A and B. See specification at page 33, Table 1, and page 36, Table 4. Thus, Example 6 has much better compatibility than Comparative Examples 15-17. See specification at page 38, lines 13-15.

Sato, which is the closest art of record, discloses a flame-retardant resin composition that may comprise zinc borate. See paragraph [0111]. As discussed above, the experimental evidence in the specification establishes that the recited flame-retardant resin composition comprising zinc sulfide provides improved compatibility over a similar composition that comprises zinc borate based on a comparison of Example 6 and Comparative Example 17.

Improved compatibility is completely unexpected over the teachings of Sato and Lewin. Sato tests its exemplified compositions for (1) flexibility, (2) wear resistance, (3) flame retardant quality, and (4) formability. See Tables 1-24. The specification discloses that the exemplified compositions were similarly tested, as well as additionally tested for compatibility. See page 28, line 11 to page 30, line 18. Absent from Sato is any disclosure related to the compatibility of its compositions with vinyl chloride insulated wires.

There are no teachings in Lewin that would have led an ordinarily skilled artisan to add zinc sulfide to the composition of Sato in order to provide a composition with greater

compatibility. Rather, Lewin merely teaches that zinc sulfide "yield[s] a pronounced flame retardancy effect" in its compositions. See paragraph [0011]. Accordingly, if an ordinarily skilled artisan would have modified the composition of Sato to include zinc sulfide as disclosed by Lewin, the result of greatly improved compatibility would still be completely unexpected over the teachings of Sato and Lewin.

Moreover, there are no teachings in Nakamura that would have led an ordinarily skilled artisan to add zinc sulfide to the composition of Sato in order to provide a composition with greater compatibility. Thus, the claimed wiring harnesses comprising the recited crosslinked flame-retardant resin composition provide unexpected results, demonstrating that the claimed wiring harnesses are nonobvious.

Accordingly, the applied references would not have rendered obvious claims 5 and 8. Reconsideration and withdrawal of the rejection are respectfully requested.

## **II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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